

July 11, 2014

VIA ECF FILING
AND E-MAIL TRANSMISSION

Hon. Robert E. Gerber
United States Bankruptcy Judge
United States Bankruptcy Court
Southern District of New York
Alexander Hamilton Custom House
One Bowling Green
New York, NY 10004-1408
gerber.chambers@nysb.uscourts.gov

Re: In re Motors Liquidation Co., et al, f/k/a General Motors Corp., et al. – United States Bankruptcy Court for the Southern District of New York, Case No: 09-50026

Dear Judge Gerber:

I write to correct two erroneous statements made by GM's counsel in his submission to the Court this morning, (Doc. No. 12768) and to make one clarification.

Mr. Steinberg mistakenly asserts that the Elliotts' request for more time is strategically motivated by their "hope" that Judge Jackson will grant their motion to amend their complaint in the interim. The motion for leave to amend was filed on June 28, 2014, and the time for GM to file an opposition to the Elliotts' motion to amend will not come due until July 15. There is no reason to think that Judge Jackson will grant the Elliotts' motion without allowing GM a response.

Second, so there should be no confusion from GM's mischaracterization of the Plaintiffs request before the Court, the Elliotts do not seek to be excused for any potential noncompliance with the Court's July 8, 2014, Order, but ask the Court to suspend or vacate said order on the bases stated, including the central, dispositive ground that the Plaintiffs present a serious, potentially meritorious argument that the Court lacks subject matter jurisdiction.

Plaintiffs intend to file their no-stay pleading today and will attach an attorney declaration describing the activates of counsel in the 24 days since Mr. Peller and the undersigned were retained to represent Lawrence and Celestine Elliott. To the extent that Court determines to consider GM's assertions, speculation and opinions about the diligence and motives of the Elliotts and their counsel relevant to any issue before this court, Plaintiffs respectfully request that this court not consider GM's assertions until Plaintiffs have had an opportunity to develop a factual record.

Respectfully submitted,

/s/ Daniel Horal

Daniel Horal
Counsel for the Elliott plaintiffs

cc: Arthur Steinberg, Esq. (via email)